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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/699,517      | 10/31/2000  | Timothy A. McDonough | 03797.00007         | 7863             |

28319 7590 06/05/2002

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| EXAMINER |
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ABDULSELAM, ABBAS L

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| ART UNIT | PAPER NUMBER |
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2674

DATE MAILED: 06/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

|                               |                                  |
|-------------------------------|----------------------------------|
| Application No.<br>09/699,517 | Applicant(s)<br>McDonough et al. |
| Examiner<br>Abbas Abdulselam  | Group Art Unit<br>2674           |

Responsive to communication(s) filed on \_\_\_\_\_.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

Claim(s) 1-32 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-32 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### Claim Rejections 35 U.S.C. 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinckley et al. (USPN 6396477) in view of katrinecz, Jr. et al. (USPN 6199996).

Regarding claims 1, 6 and 28, Hinckley teaches a computer system which includes computer readable media providing computer readable instructions. See col. 4, lines 17-20 and Fig 1. Hinckley teaches a mouse (660) including touch sensor button (670) which would enable an application to determine the occurrence of events. See col. 14, lines 19-29 and Fig 10H. However, Hinckley does not teach an illumination member of an input device that changes states. Katrinecz on the other hand teaches a data entry device including a mouse which has a feature of illumination with various characteristics. See col. 1, lines 10-15 and 55-57.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Hinckley's input device to include katrinecz's illuminating feature. One would have been motivated in view of the suggestion in katrinecz the illuminating feature is functionally equivalent to the desired illuminating member of the input device. The use of an

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illuminating feature in an input device helps control visual attributes and functionalities as taught by katrinecz.

Regarding claim 2, Hinckley teaches an input device in connection with a generation of device message which is routed to an application and instructions. See col. 1, lines 49-55.

Regarding claims 3-5, 21-23, and 30-32, katrinecz teaches the use of illumination with various colors and intensities. See col. 2, lines 14-18 and 19-31.

Regarding claims 7 and 27, Hinckley teaches computer executable instructions with respect to a touching signal derived from an input device. See col. 17, lines 23-32.

Regarding claims 8-15, 25-26 and 29, Hinckley teaches generations of multiple messages performing various functions with respect to their respective touch sensors. See col. 1, lines 62-67 and col. 2, lines 1-5.

Regarding claims 16-18, Hinckley teaches the method of tracking the amount time spent with respect to the use of the input and computer executable instructions. See col. 17, lines 23-45.

Regarding claims 19-20, Hinckley teaches the generations of multiple messages to perform a number of functions. See col. 1, lines 64-64.

Regarding claim 24, Hinckley teaches a mouse (170) as configured in Fig 4A.

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### **Conclusion**

2. The prior art made of record and not relied upon is considered to applicant's disclosure.

The following arts are cited for further reference.

U.S. Pat No. 5,689,715 to crump et al.

U.S. Pat No. 6,040,825 to Yamamoto et al.

U.S. Pat No. 6,072,391 to Suzuki et al.

U.S. Pat No. 6,366,300 to Ohara et al.

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3. Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Abbas Abdulselam** whose telephone number is **(703) 305-8591**. The examiner can normally be reached on Monday through Friday (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard Hjerpe**, can be reached at **(703) 305-4709**.

**Any response to this action should be mailed to:**

Commissioner of patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314**

Hand delivered responses should be brought to crustal park II, Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology center 2600 customer Service office whose telephone number is **(703) 306-0377**.

Abbas Abdulselam

Examiner

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RICHARD HJERPE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600